

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDY ORTIZ,	:	
<i>Plaintiff,</i>	:	
	:	
v.	:	CIVIL ACTION NO. 21-CV-3813
	:	
P.I.C.C., <i>et al.</i> ,	:	
<i>Defendants.</i>	:	

ORDER

AND NOW, this 18th day of October, 2022, upon consideration of Plaintiff Andy Ortiz's *pro se* Second Amended Complaint (ECF No. 18), it is **ORDERED** that:

1. For the reasons stated in the Court's Memorandum, Ortiz's supervisory liability and failure to protect claims are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

2. The Clerk of Court is **DIRECTED** to send Ortiz a blank copy of the Court's standard form complaint for prisoners to use to file a complaint bearing the above civil action number.¹

3. Ortiz has 30 days to file a third amended complaint in the event he can allege additional facts to state plausible claims. Any third amended complaint shall identify all defendants in the caption of the third amended complaint in addition to identifying them in the body of the third amended complaint, shall state the basis for Ortiz's claims against each defendant, and shall bear the title "Third Amended Complaint" and the case number 21-3813. If Ortiz files a third amended complaint, his

¹ This form is available on the Court's website at <http://www.paed.uscourts.gov/documents/forms/frmc1983f.pdf>.

third amended complaint must be a complete document that includes all of the bases for Ortiz's claims, including claims that the Court has not yet dismissed, if he seeks to proceed on those claims. Claims that are not included in the third amended complaint will not be considered part of this case. When drafting his third amended complaint, Ortiz should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of a third amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

4. If Ortiz does not file a third amended complaint the Court will direct service of his Second Amended Complaint on Defendants Gibson, Johnson, Bailey, Young, Martin, Heads, Crawford, and Spellman only. Ortiz may also notify the Court that he seeks to proceed on these claims rather than file a third amended complaint. If he files such a notice, Ortiz is reminded to include the case number for this case, 21-3813.

5. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case if summonses are issued.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.